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Air and Radiation Docket
and Information Center (6102T)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20406

Attention Docket ID No. OAR-2002-0053

Re: Comments of the Utility Air Regulatory Group on the Proposed Amendments to the Standards of Performance for Stationary Gas Turbines (Subpart GG), 68 Fed. Reg. 18003 (April 14, 2003)

Dear Sir or Madam:

The Utility Air Regulatory Group (UARG) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA or "the Agency") proposal to amend the New Source Performance Standards (NSPS) for Stationary Gas Turbines at 40 C.F.R. Part 60, Subpart GG, to incorporate previously approved alternative monitoring and testing procedures. UARG is a nonprofit, ad hoc group of more than 40 electric generating companies (and organizations) and four national trade associations. UARG's purpose is to participate collectively on behalf of its members in EPA rulemakings and other Clean Air Act proceedings that affect the interests of electric generators and in litigation arising from those proceedings.

UARG member companies own and operate numerous combustion turbines (CTs) that are subject to Subpart GG. According to EPA's "National CT List," between 1997 and 2002 electric utilities constructed and permitted (or applied for construction permits for) 1,695 new combustion turbines (CTs). These CTs are subject not only to the Subpart GG monitoring requirements, but also to the requirements in 40 C.F.R. Part 75 for emissions monitoring under the Acid Rain Program. Both rules include requirements for monitoring associated with limitations on emissions of nitrogen oxides (NO_x) and sulfur dioxides (SO_2). As EPA's notice explains, application of these two rules can result in inconsistent and redundant requirements

that create unnecessary burdens for sources, EPA, and permitting agencies, and complicate permitting.

To address these problems, EPA solicited input from stakeholders to identify "emissions neutral opportunities to streamline the monitoring, testing and reporting requirements for combustion turbines under those rules." *See, e.g.*, 66 Fed. Reg. 44622, August 24, 2001. One of the problems identified by stakeholders was the need for submission of individual petitions for monitoring and testing alternative that were being routinely approved, and case-by-case review and approval of those petitions. Use of the petition process for such routine matters needlessly consumes resources and delays permitting, without any environmental benefit. Although one EPA Region has attempted to reduce those delays somewhat by clearly delegating to state and local agencies the authority to approve certain requests,[1] uncertainty regarding the existence of such delegations in other EPA Regions has added to the delays. Moreover, such petitions continue to consume state and local resources. Case-by-case petitions on identical questions also can also result in approval of alternatives with minor differences, thus causing further confusion for subsequent petitioners. Accordingly, stakeholders recommended that EPA identify and implement a procedure for streamlining review and approval of these routinely approved requests. EPA's April 14, 2003 proposal responds to that request by incorporating those alternatives that have been routinely approved into Subpart GG.

UARG supports the proposal to add these alternatives to the rule. When finalized, EPA's proposal will result in a significant reduction in burdens on EPA, state and local agencies, and sources without any change in the substance of the available alternatives. Although stakeholders have identified other issues that would require revision of Subpart GG and Part 75 to resolve, UARG believes that EPA acted reasonably when it decided to address those issues in a separate rulemaking, or rulemakings. Attempting to resolve all issues in one rulemaking would needlessly delay the benefits provided by codifying these existing approvals. Although UARG agrees that many additional improvements could be made to further streamline permitting and reduce needless burdens under Subpart GG, UARG requests that EPA commit to addressing those in a future rulemaking rather than delaying finalization of the improvements currently proposed.

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[1] *See, e.g.*, Memorandum from R. Neeley (EPA Region 4) to Region 4 Air Division Directors, Alternative Testing and Monitoring for Combustion Turbines (May 26, 2000).

UARG understands that EPA is soliciting comment on this proposal because the Agency received comments on the accompanying Interim Final Rule that might be considered adverse. However, comments like those submitted by the Sierra Club and by Mr. Stephen A. Loeschner asking EPA to impose new emission standards, and otherwise significantly revise Subpart GG to add new requirements or revise provisions that are not part of the Interim Final Rule or proposal, clearly are not relevant to EPA's current rulemaking (which was very limited in scope) and should be ignored. UARG believes that most of the other comments filed can be addressed through minor revision, clarification, or future rulemaking without significantly delaying a final rule on the current proposal. In that regard, although UARG supports EPA's proposal, UARG also has identified several provisions that could benefit from further clarification or minor revision to be consistent with EPA's prior approvals and to maintain other important elements of Subpart GG. UARG's specific comments are as follows.

1. <u>Clarifications Regarding the Option for Use of NOx CEMS.</u>

UARG has several comments regarding EPA's incorporation of the previously approved option for use of NO_x CEMS to record and report excess emissions of NO_x. First, UARG requests that EPA make clear that the choice of whether to use a NO_x CEMS is entirely at the discretion of the source owner or operator, even in those cases where a NO_x CEMS is installed. Although proposed §§ 60.334(c), (d), and (e) clearly state that the use of a NO_x CEMS for excess emissions monitoring is voluntary (*i.e.*, the owner or operator "may" use a CEMS), other sections such as proposed §§ 60.334(b) and (f) could be read to suggest that units that have installed a NO_x CEMS *must* use them for that purpose. UARG does not believe that EPA intended that result. However, UARG suggests that EPA clarify its language or add a statement to the preamble to make that point clear. UARG would object to a rule that did not leave that choice to the source because it would be a significant revision to Subpart GG that could make the rule more stringent. Such a rule also would create inconsistencies with existing permits that specifically provide for excess emissions reporting of water-to-fuel ratio data at units with NO_x CEMS. The decision whether to change excess emissions monitoring methods, or seek revision of such a permit, should be left to the source.

Second, UARG requests that EPA make clear that nothing in this rule is intended to *impose new requirements*, or to alter or prevent other determinations regarding the adequacy of monitoring to comply with Subpart GG. Proposed § 60.334(c) makes clear that Subpart GG

affected CTs may use alternative procedures[2] that were *previously approved by EPA*, but is silent with respect to other alternative procedures that were approved in the past by state and local agencies or that may be approved in the future. In some cases, owners and operators may have requested (or may request) during new source or Title V permitting that *the state or local permitting authority* streamline monitoring requirements to allow a demonstration of compliance with Subpart GG based on a demonstration of compliance with a more stringent emission limitation (*e.g.*, a BACT limit on a new dry low NO_x CT). In other cases, *the state or local permitting authority* may have lawfully determined (or may determine) that further excess emissions monitoring for NO_x is not required. In such cases, this rule should not result in imposition of additional monitoring or reporting.[3] Accordingly, UARG requests that EPA make clear in the final rule or preamble (1) that alternatives approved by state and local agencies under state authority, or delegation of authority from EPA, are also valid, and (2) that these amendments do not *impose* any *new* requirements, or require revision of existing permits, but simply provide several pre-approved options for sources that do not want to seek case-by-case approval.

Third, as proposed, § 60.334(b) appears to limit approval of NO_x CEMS to systems that use an O_2 monitor to correct the NO_x data to 15% O_2. Part 75, on the other hand, allows sources the

[2] EPA refers to such alternatives as procedure for "continuously monitoring compliance with the applicable NO_x emission limit under § 60.332." Although UARG understands that EPA is referring to procedures for excess emissions monitoring to assess performance of the NO_x control system, the phrase "continuously monitoring compliance" could be construed as only allowing use of procedures that were approved as a direct measure of compliance with the NO_x emission limit. Such a change would be a significant revision of Subpart GG that goes beyond the proposed codification of approved alternatives. Accordingly, UARG recommends that EPA revise the section to simply refer to alternative monitoring procedures.

[3] For example, the Title V monitoring rules under Parts 70 and 71 explicitly provide for the streamlining of applicable monitoring and testing provisions where one requirement is sufficient to assure compliance with both emission limitations. If a permitting authority determines (or has determined) that demonstration of compliance with a BACT limit that is much more stringent than Subpart GG is sufficient to assure compliance with both, no purpose would be served by requiring the source to now perform "excess emissions" monitoring for Subpart GG (*e.g.*, to record and report NO_x CEMS data based on 4-hour rolling averages as well).

option of monitoring either O_2 or CO_2 as a diluent. *See* § 75.10(a)(2) and (3). Because it is possible to make the required correction to 15% O_2 under Subpart GG using data from a CO_2 monitor, UARG requests that EPA make clear that option is available under the amended rule. Allowing use of a CO_2 monitor is consistent with alternatives previously approved by EPA, which did not limit the use of Part 75 diluent monitors to O_2.

Finally, EPA has correctly provided in proposed § 60.334(b)(3)(iii) that the missing data substitution methodologies provided in Part 75 may not be used to report excess emissions. However, EPA's proposal has failed to address the use of NO_x concentration data that have been "bias adjusted" under Part 75. In 40 C.F.R. Part 60, Subpart Da, EPA correctly recognized that sources cannot be *required* to use bias adjusted data under the NSPS. *See* § 60.47a(c)(2). UARG believes that EPA should make the same acknowledgment here. However, since some affected CTs with emissions significantly lower than their Subpart GG limit may prefer to simplify their reporting by utilizing the same bias adjusted data for Subpart GG and Part 75, UARG suggests that EPA make reporting of bias-adjusted data for "excess emissions" monitoring *optional*.

2. <u>Use of the Part 75 "Stratification" Test to Justify a Short Measurement Line</u>

Proposed § 60.335(a) provides that, if an owner or operator chooses to use EPA Methods 7E and 3A (or 3) for NO_x performance testing, they must perform a stratification test for NO_x and diluent under Part 75, Appendix A, § 6.5.6.1(a) - (e) in order to determine if subsequent RATA testing will occur along a short or long reference method measurement line. Although UARG appreciates EPA's proposal to add the *option* of using a short measurement line under Method GG, UARG does not understand why a source that chooses to use the long reference measurement line for 7E and Method 3A (or 3) testing would need to perform the stratification test. UARG notes that EPA's prior approvals for use of Method 7E did not include a requirement to perform a stratification test if the long measurement line was used. Accordingly, UARG requests that EPA revise this provision to make clear that the stratification test is only relevant for those owners and operators who wish to determine whether they may perform future tests using the short measurement line.

3. <u>Use of the Term "Deviation"</u>

EPA proposes to revise Subpart GG to use the term "deviation," rather than "excess emissions," to refer to parameter values that are outside the range specified in a parameter monitoring plan under § 60.334(g). Under this revision, exceedance of an established water-to-

fuel ratio would be reported as a "deviation" rather than under the existing term "excess emissions." According to the preamble, a deviation "indicates the possibility that an excess emission has occurred." 68 Fed. Reg. 17994. UARG does not believe that EPA's attempt to distinguish between "excess emissions" and "deviations" is necessary, since neither are violations under Subpart GG. Like the proposed "deviations," excess emissions are recorded and reported to provide information regarding performance of the NO_x emission control systems. *See* 68 Fed. Reg. 17992. As EPA's preamble acknowledges, the only way an excess emission could be consider a violation under Subpart GG would be under the "credible evidence" rule in § 60.11(g).[4]

UARG is also concerned, however, that EPA's choice of the term "deviation" could cause confusion in the context of Title V permits and State Implementation Plans (SIP). Although EPA has made clear under the Title V rules at Part 70 that "deviations" under Part 70 are not necessarily violations, some SIPs define deviation differently. Although Part 70 does not define "deviation," it does require "prompt" reporting of "deviations" from permit terms and conditions. In order to avoid confusion with Title V and SIPs, UARG suggests that EPA either continue to use the term "excess emissions" for all reported parameters under Subpart GG, or follow the terminology adopted in the Compliance Assurance Monitoring rule at 40 C.F.R. Part 64, which refers to parameter exceedances as "excursions."

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In sum, UARG supports EPA's proposal to amend Subpart GG to incorporate previously approved alternatives for monitoring and testing. In addition, UARG requests that EPA's final

[4] In the preamble to its proposed rule, EPA explains that it is allowing single load performance testing at units choosing to use a NO_x CEMS for excess emissions monitoring because the NO_x data at other loads "provides credible evidence which can be used to determine the unit's compliance status on a continuous basis following this initial test." 71 Fed. Reg. 17993. UARG reminds EPA that the legality of the "credible evidence" rule in § 60.11(g) has not been established. However, because sources presumably would not opt to use NO_x CEMS for excess emissions monitoring, or to support single load testing, under the current and proposed Subpart GG unless their emissions were so far below the Subpart GG standard that compliance using NO_x CEMS data was assured, the legality of the use of those data as "credible evidence" to establish violations is largely irrelevant to this rulemaking.

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rule include the minor revisions and clarifications described above. Those revisions are consistent with EPA's prior approvals and will held clarify that addition of these alternatives has not altered the fundamental nature of Subpart GG.

Sincerely,

/s/

Lauren E. Freeman